REMARKS

This Amendment is responsive to the Office Action dated March 4, 2010. Applicant has amended claims 7, 24, and 28. Claims 1–6, 11, and 14–21 were previously cancelled. Claims 7–10, 12–13, and 22–31 remain pending.

Interview Summary

As a preliminary matter, Applicant thanks the Examiner for the telephonic Examiner Interview conducted June 1, 2010. Participating in the interview were Examiner Boswell, Examiner Lan, Applicant's representative Brian Dawley (Reg. No. 64,761), and Michael Flanigan. During the interview, Applicant's representative proposed amendments to claim 7 and discussed the proposed amendments in view of the applied references. The Examiners agreed to consider the amendments further upon receipt of Applicant's formal response. No agreement was reached during the course of the interview.

Restriction

Applicant acknowledges that the Examiner has withdrawn the restriction of claims 24–31.

Claim Rejection Under 35 U.S.C. § 103

The Office Action rejected claims 7–10, 12–13 and 22–31 under 35 U.S.C. § 103(a) as being unpatentable over Adaytum Software ("Adaytum") in view of Elkin et al. (U.S. Patent Publication No. 2007/0179828, hereinafter "Elkin"), in view of J. J. Halliday et al., "Flexible Workflow Management in the OPENflow System," (hereinafter, "Halliday") and further in view of Petra Heinl et al., "A Comprehensive Approach to Flexibility in Workflow Management Systems," (hereinafter, "Heinl"). Applicant respectfully traverses the rejection to the extent such rejections may be considered applicable to the claims as amended. The applied references fail to disclose or suggest the features defined by Applicant's amended claims, and provide no apparent reason for modification to arrive at the claimed features.

Claims 7–10, 12–13, and 22–23

Applicant's amended claim 7, for example, requires modifying, by a computing device, a checked-out individual one of nodes of an enterprise planning model without preventing execution of an enterprise planning session for the nodes of the enterprise planning model that are not checked-out, <u>wherein at least one of the nodes of the enterprise planning model that are not checked-out receives contribution data from the checked-out individual one of the nodes without taking the model offline</u>. *See, e.g.*, Applicant's specification, ¶¶ [051], [074]. Elkin in view of Adaytum Software, Heinl, and Halliday fails to disclose or suggest the requirements of amended claim 7.

The Office Action asserted that Elkin discloses "modifying nodes of a model without preventing execution of a session for nodes that are not check[ed] [sic] out,"[1] in view of Heinl and Halliday. Applicant respectfully traverses the rejection. While Applicant maintains that the applied references fail to disclose or suggest this requirement of claim 7, Applicant further respectfully submits that the applied references fail to disclose or suggest, *inter alia*, modifying, by a computing device, a checked-out individual one of nodes of an enterprise planning model without preventing execution of an enterprise planning session for the nodes of the enterprise planning model that are not checked-out, <u>wherein at least one of the nodes of the enterprise planning model that is not checked out receives contribution data from the checked-out individual one of the nodes without taking the model offline</u>, as required by amended claim 7.

The Office Action admitted that Elkin and Adaytum fail to disclose or suggest modifying, by a computing device, a checked-out individual one of the nodes of the model without preventing execution of the enterprise planning session for the nodes of the enterprise planning model that are not checked-out. Office Action dated March 4, 2010, p. 7. The Office Action relied on Heinl and Halliday in support of an assertion that it is "old and well known to" modify nodes of a model without preventing execution of a session for nodes that are not checked out.[2] Applicant respectfully submits, however, that Heinl and Halliday fail to disclose or suggest modifying, by a computing device, a checked-out individual one of nodes of an enterprise planning model without preventing execution of an enterprise planning session for the nodes of

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[1] Office Action dated March 4, 2010, p. 9.
[2] Applicant further traverses the assertion that modifying a node of a model without preventing execution of a session for nodes that are not checked out is "admitted prior art." Applicant has not admitted this as prior art. Applicant respectfully notes that the MPEP does not carry the force of law or the rules (MPEP, Foreword). Applicant has not at any point acquiesced or admitted this element as prior art.

the enterprise planning model that are not checked-out, <u>wherein at least one of the nodes of the</u> <u>enterprise planning model is are not checked out receives contribution data from the checked-out</u> <u>individual one of the nodes without taking the model offline,</u> as required by amended claim 7.

Heinl generally discloses checking out a <u>workflow type</u> such that only one person can edit the workflow type, and thus that this workflow type is locked with respect to a second person. Heinl, § 4.2.2. In other words, the second person cannot edit the locked workflow type while the workflow type is checked out. Heinl discloses "a mechanism to prevent inconsistencies by allowing only one person can edit a workflow type at the same time. Therefore the modeler checks out the workflow type in order to lock it for editing. When a second modeler wants to edit the same workflow type he will fail to perform the check out operation as long as the workflow type is locked by the first modeler." Heinl, p.85, first column, § 4.2.2. Checking out a <u>workflow type</u> for editing of the workflow type does not disclose or suggest checking out an <u>individual node of an enterprise planning model,</u> as required by Applicant's amended claim 7.

Applicant respectfully submits that a workflow type, as described by Heinl, is not the same as a node of an enterprise planning model. An enterprise planning model, as required by claim 7, "defines hierarchically arranged nodes associated with business logic software modules and enterprise contributors." Workflow types of Heinl, on the other hand, "model business processes . . . . A workflow type may be instantiated in order to represent a <u>performing</u> <u>occurrence of a business process.</u>" Heinl, § 1 (emphasis added). Accordingly, to the extent that Heinl may disclose modifying a checked out workflow type, such disclosure is not relevant to the requirements of Applicant's amended claim 7, which requires modifying a checked-out <u>individual one of nodes of an enterprise planning model.</u>

To the extent that Adaytum may disclose nodes of an enterprise planning model, the applied references fail to disclose or suggest how to apply the techniques of checking out a workflow type, as disclosed by Heinl, to a node of an enterprise planning model. Because a workflow type specifies a suitable execution path to travel from a start point to an end point,[3] a workflow type of Heinl is not associated with a set of data and cannot receive contribution data, contrary to the requirements of claim 7. Thus, the techniques described by Heinl with respect to

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[3] Heinl, p. 81, col. 1, § 2.1 (stating that "suitable execution paths" for coming "from the start to the end point" are "directly specified in the workflow type").

checking out a workflow type cannot be readily combined with the disclosure of Adaytum to arrive at the requirements of claim 7.

Even if Heinl did disclose modifying a checked-out node of a model, to which Applicant does not acquiesce, Heinl still fails to disclose or suggest that at least one node of an enterprise planning model that is not checked-out receives contribution data from the checked-out individual one of the nodes without taking the model offline, as required by amended claim 7. In Heinl, there is no interdependency between workflow types. That is, one workflow type cannot receive data from a workflow type that is checked out while the checked-out workflow type is checked out. At most, a modeler is able to receive a specification for a workflow type to edit a separate workflow type specification. Heinl, § 4.2.2,p. 85, col. 2, ¶ 1. Editing a separate workflow type specification based on a checked-out workflow type specification does not disclose or suggest at least one node of an enterprise planning model that is not checked out that receives contribution data from a checked out individual one of the nodes of the model, without taking the model offline, as required by amended claim 7.

To be clear, workflow types of Heinl specify execution paths to travel from one point to another. Workflow types of Heinl, as noted above, do not store contribution data. In other words, to the extent that Heinl may disclose referencing a work type specification by concurrent modelers (e.g., Heinl, p. 85, col. 2), Heinl does not disclose or suggest receiving, with a non-checked-out node, contribution data from a checked out node of an enterprise planning module while the checked-out node is checked out. To be clear, an enterprise planning model defines hierarchically arranged nodes, as required by claim 7. In addition, nodes of the enterprise planning model are associated with contribution data. Thus, in the context of claim 7, there are two types of data: 1) the definition of the model, and 2) contribution data associated with a node of the model. Workflow types of Heinl do not have associated contribution data, contrary to the requirements of claim 7, and thus Heinl (even in view of the other applied references) fails to disclose or suggest a node of an enterprise planning model that is not checked out that receives contribution data from a checked-out individual one of the nodes while the checked-out node is checked-out, without taking the model offline, as required by amended claim 7.

Halliday also fails to disclose or suggest the requirements of amended claim 7, e.g., that a node of an enterprise planning model that is not checked out that receives contribution data from a checked-out individual one of the nodes without taking the model offline. Similar to Heinl,

Halliday is also directed to a workflow model. Halliday, Abstract. The Office Action cited page 7 of Halliday, asserting that tasks are individual nodes of workflow. However, tasks of a workflow model, as discussed above with respect to Heinl, are not the same as nodes of an enterprise planning model. For example, tasks are not associated with contribution data, as required by Applicant's claim 7. Thus, to the extent that Halliday may disclose changing tasks of a workflow model, such disclosure would not disclose or suggest the requirements of Applicant's amended claim 7, even in view of the other applied references.

In addition, Halliday states that changes to a workflow model "must be performed consistently . . . to a workflow schema instance [and] are carried out atomically (either all changes are performed or none) with respect to the normal processing activities." (Halliday, p. 7, § 2.3). A system according to Halliday cannot provide a node of an enterprise planning model that is not checked out that receives contribution data from a checked-out individual one of the nodes without taking the model offline, because all updates in the system according to Hailliday are made at the same time.

For at least these reasons, Heinl and Halliday, alone or in any combination with the other applied references, fail to disclose or suggest modifying, by a computing device, a checked-out individual one of nodes of an enterprise planning model without preventing execution of an enterprise planning session for the nodes of the enterprise planning model that are not checked-out, wherein at least one of the nodes of the enterprise planning model that is not checked out receives contribution data from the checked-out individual one of the nodes, without taking the model offline, as required by Applicant's amended claim 7. Applicant further respectfully disagrees with the assertion on page 5 of the Office Action that there was any admission that subject matter of Applicant's claims was admitted as prior art.

Applicant therefore respectfully submits that Adaytum, Elkin, Heinl, and Halliday, alone or in any combination, fail to disclose or suggest the requirements of Applicant's amended claim 7. For at least these reasons, amended claim 7 is patentable over the applied references. Dependent claims 8–10, 12–13, and 22–23 incorporate the requirements of independent claim 7,[4] and thus are patentable for at least the reasons discussed above.

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[4] 35 U.S.C. § 112, ¶ 4.

Claims 24–31

Amended claim 24 requires receiving, by a computing device, an enterprise planning model defining hierarchically arranged nodes associated with business logic software modules and enterprise contributors of an enterprise, wherein the hierarchically arranged nodes comprise a first node and a second node, and wherein the second node is hierarchically related to the first node, associating, by the computing device, a first set of data with the first node and a second set of data with the second node in accordance with the enterprise planning model, such that the second set of data is hierarchically related to the first set of data, receiving an update to the enterprise planning model, wherein the update identifies the first node, checking-out, by the computing device, the first node after receiving the update to the enterprise planning model, receiving, by the computing device, contribution data for the second node after checking-out the first node, modifying, by the computing device, the second set of data with the received contribution data for the second node while the first node is checked-out, checking-in, by the computing device, a modified version of the first node after modifying the second set of data for the second node, wherein the modified version of the first node corresponds to the received update to the enterprise planning model, and reconciling, by the computing device, the modified second set of data with the first set of data of the modified version of the first node after the modified version of the first node has been checked in. The applied references fail to disclose or suggest the requirements of amended claim 24.

To summarize, amended claim 24 requires two nodes that are hierarchically related, and that one of the two nodes is checked-out. Amended claim 24 further requires, while the checked-out node is checked out, receiving contribution data for the second node and modifying the second set of data of with the received contribution data for the second node while the first node is checked out. Furthermore, amended claim 24 requires reconciling the modified second set of data with the first set of data of the modified version of the first node after the modified version of the first node has been checked in. The applied references, alone or in combination, fail to disclose or suggest these requirements of amended claim 24.

As discussed above, Heinl and Halliday are directed to workflow models. The workflow models of Heinl and Halliday do not include nodes of an enterprise planning model, but instead generally describe modifying tasks, e.g., workflow type specifications, which describe processes to come from a start to an end point. Applicant's claim 24, on the other hand, is generally

directed to modifying a set of data associated with a non-checked-out node while a checked-out node is checked out, then reconciling the data of the non-checked-out node with the data of the checked-out node after the checked-out node has been checked in. Heinl and Halliday, in any combination with each other, Adaytum, and Elkin, fail to disclose or suggest these requirements of claim 24.

Applicant has similarly amended independent claim 28. For at least these reasons, claims 24 and 28 are patentable over the applied references. The dependent claims, i.e., claims 25–27 and 29–31, incorporate the subject matter of the respective independent claims.[5] Accordingly, for at least the reasons discussed above, each of claims 24–31 are patentable over the applied references.

For at least these reasons, the applied references fail to establish a prima facie case for non-patentability of Applicant's claims 7–10, 12–13 and 22–31 under 35 U.S.C. § 103(a). Applicant respectfully requests withdrawal of this rejection.

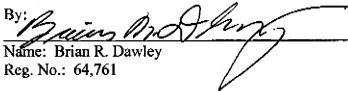[5] 35 U.S.C. § 112, ¶ 4.

CONCLUSION

All claims in this application are in condition for allowance. Applicant does not acquiesce as to any assertion in the Office Action with respect to the prior art or to Applicant's claims. Applicant's silence with respect to any assertion in the Office Action should not be interpreted as Applicant's acquiescence thereto. Applicant reserves the right to comment further with respect to the cited art and/or any pending claim in a future Amendment, Response, or on appeal. Applicant respectfully requests reconsideration and prompt allowance of all pending claims.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: June 2, 2010

By: _____

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